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EXAMINER

GREGG, MARY M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/651,076 | <b>Applicant(s)</b><br>GRANNAN ET AL. |  |
|                              | <b>Examiner</b><br>MARY GREGG        | <b>Art Unit</b><br>3694               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 29-52 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 and 29-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-26 and 42-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

MMG

### **DETAILED ACTION**

1. The following is a Final Office Action in response to communications received July 30, 2008. Claims 11-15 and 29-41 have been provisionally withdrawn. Claim 27-28 have been canceled. Claims 1-10, 16-26, 42 and 44-48 have been amended. Claims have been 50-52 have been added. Therefore, claims 1-10, 16-26, 42-52 are pending and addressed below.

#### ***Response to Amendment***

##### *Specification*

2. Applicant's amendments in response the examiners objection to the specification are sufficient to overcome the examiners objections. The examiner withdraws the objections

##### *Claim Objections*

3. Applicant's amendments in response the examiners objection to claims 2 and 23-25 are sufficient to overcome the examiners objections. The examiner withdraws the objections.

##### *Claim Rejections - 35 USC § 112*

4. Applicant's amendments in response the examiners rejections to claims 3, 6, 16-28, 43 and 44 are sufficient to overcome the examiners 112, 2<sup>nd</sup> paragraph rejections. The examiner withdraws the rejections.

##### *Claim Rejections - 35 USC § 101*

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5. Applicant's amendments in response the examiners 35 USC 101 rejections to claims 1-10 and 16-28 are sufficient to overcome the examiners objections. The examiner withdraws the objections.

*Claim Rejections - 35 USC § 102*

6. Applicant's amendments in response the examiners 35 USC 102(e) by Maurad et al. to claims 1-2 and 4-5 are sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

Applicant's amendments in response the examiners 35 USC 102(e) by Abburi et al. on claims 16-28 are sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

*Claim Rejections - 35 USC § 103*

7. Applicant's amendments in response the examiners 35 USC 103(a) by Maurad et al. and in view of Gregg et al. for claims 3 and 6-7 are sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

Applicant's amendments in response the examiners 35 USC 103(a) by Abburi et al. in view of Katz et al. to claims 8-9 are sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

Applicant's amendments in response the examiners 35 USC 103(a) by Abburi et al. in view of Katz et al. and further in view of Kobayashi to claim 10 is sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

Applicant's amendments in response the examiners 35 USC 103(a) by Leung et al. in view of Gregg et al. to claims 42-49 are sufficient to overcome the examiners objections. The examiner is submitting a new rejection addressed below.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 16 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,822,663 B2 by Wang et al. (Wang).

In reference to Claim 16:

(Currently amended) A system to provide a content brokerage service, the system comprising: a content broker process server including a content broker module to provide to a subscriber of the content brokerage service access to a remote content provider ((Wang) FIG. 1, FIG. 2; Col 2 lines 32-40, Col 5 lines 49-61) , and further to

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provide device profile information associated with a media device of the subscriber to the remote content provider ((Wang) FIG. 5-FIG. 8; Col 9 lines 30-39, 44-49); and a memory, the memory further to provide the device profile information to the content broker module ((Wang) FIG. 1, FIG. 2, FIG. 5: Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-2, 4-5 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and further in view of US Patent No. 6,822,663 B2 by Wang et al. (Wang).

In reference to Claim 1:

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Mau teaches:

(Currently amended) A content broker system comprising: memory to store a device profile table accessible by a content broker module ((Mau) FIG. 3, Col 7 lines 5-15);... and a content broker process server including the content broker module, the content broker module to: provide to a third party content provider the ...wherein the list of media formats is retrieved from the memory ((Mau) Col 61 lines 19-26); and acquire media content and associated digital rights license keys from the third party content provider ((Mau) Col 10 lines 19-20, 23-28).

Mau suggest:

... the device profile table including a list of media formats that can be played by a subscriber media device ((Mau) FIG. 1A ref # 160; Col 61 lines 20-36)... list of media formats that can be played by the subscriber media device ((Mau) Col 9 lines 66-67, Col 61 lines 25-30, ...

Wang teaches:

... the device profile table including a list of media formats that can be played by a subscriber media device ((Wang) FIG. 5, FIG. 7, FIG. 10; Col 8 lines 57-58, Col 10 lines 12-20, 55-57)... list of media formats that can be played by the subscriber media device ((Wang) FIG. 10; Col 10 lines 20-25),...

Mau teaches a metadata template the includes data fields required by end-user devices. Wang teaches that many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41). Wang teaches a graphical layout to display a number of device types and then list of device names for the user to chose from ((Wang) Col 9



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lines 30-35, 45-49). Mau teaches a database that is user accessible provided by the Content Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the Content provider can tailor the template to identify the types data the Content provider can provide the end-user ((Mau) Col 61 lines 24-26). Mau teaches explicitly that the user condition definitions in Col 62 lines 20-51, which includes what kinds of media the user can use the copies on. Wang teaches it is needful to provide data types to be viewed properly must be formatted for the end users device and teaches the user in order to promote the proper format for the device to be provided, accessing and choosing from a table of device to expedite the process. Additionally Wang is teaches the motivation of optimizing the source content according to the capacities of the device. Therefore both prior art are teaching the user defines the device. Therefore, , it would have been obvious to one of ordinary skill in the art at the time of the invention to expand Mau with the teachings of Wang in order to optimize the source content with the device.

In reference to Claim 2:

The combination Mau and Wang teach:

(Currently amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker process server has access to a database maintaining a media asset table ((Mau) Col 61 lines 20-22, that includes data associated with the acquired media content, the data received from the content broker module, the data including a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a

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distributor unique content ID, and a distributor identifier ((Mau) Fig. 14, FIG. 23-24, FIG. 30-38).

In reference to Claim 4:

The combination Mau and Wang teaches:

(Currently amended) The content broker system of claim 1 (see rejection of claim 1 above), further comprising a web server to: aggregate[[s]] media content titles of media content available from the third party content provider[[s]]; and provide subscriber access to the media ((Mau) Col 66 lines 20-22, 40-43) content as identified by the media content titles ((Mau) FIG 1D ref# 129, FIG. 7, Col 3 lines 55-59, Col 13 lines 30-33, Col 60 lines 50-55, 60-65, Col 35 table, Col 37 Table).

In reference to Claim 5:

The combination Mau and Wang teach:

(Currently amended) The content broker hosting service module system of claim 1 (see rejection of claim 1 above), further comprising a network interface that uses standard web services protocols to communicate with the third party content provider[[s]] ((Mau) FIG. 6; Col 25 lines 60-61).

In reference to Claim 52:

The combination Mau and Wang teach:

(New) The system of claim 1 (see rejection of claim 1 above), further comprising a storage device to store the acquired media content ((Mau) Col 8 lines 10-14, 25-28).

14. Claims 3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and US Patent No. 6,822,663 B2

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by Wang et al. (Wang) as applied to claim 1 above, and further in view of US Patent No. 7,290,288 B2 by Gregg et al. (Gregg).

In reference to Claim 3:

The combination Mau and Wang teach:

(Currently amended) The content broker system of claim 1 (see rejection of claim 1 above), ...

The combination does not teach:

...further comprising a single sign-on identity service, to maintain user accounts and authentication credentials including a password and biometric information.

Gregg teaches:

...further comprising a single sign-on identity service ((Gregg) FIG. 11, FIG. 16, FIG. 17, FIG. 24), to maintain user accounts and authentication credentials including a password and biometric information ((Gregg) Abstract lines 7-12, Col 1 lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes are vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects

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the consumer and the network provider. The combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application through an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to control account holder access, connect account data and beef up the transaction ID as taught by the combination.

In reference to Claim 6:

The combination Mau and Wang teach:

(Currently amended) The content broker system of claim 1 (see rejection of claim 1 above), ...and device profile information ((Mau) FIG. 18; Col 26 lines 50-51).

The combination does not teach:

... wherein the third party content provider[[s]] uses single sign-on credentials to verify: a user's subscription to a hosting service and to initiate requests to obtain user....

Gregg teaches:

... wherein the third party content provider[[s]] uses single sign-on credentials to verify: a user's subscription to a hosting service and to initiate requests to obtain user....  
((Gregg) FIG. 16; Col 16 lines 15-34, 63-65)

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect

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assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes are vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination and Gregg also teach media purchases and are therefore overlapping in subject matter. Additionally, the combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application through an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to control account holder access, connect account data and strengthen the transaction ID and logging identification as taught by the combination.

In reference to Claim 7:

The combination, Mau, Wang and Gregg, teaches:

(Currently amended) The content broker system of claim 6 (see rejection of claim 6 above), wherein the content broker module receives media content information, media file content, and rights usage license keys ((Mau) FIG. 6, FIG. 8-9, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64, Col 46 lines 18-20, 46-49, 62-63, 65-68 )in response to a content purchase request by the user ((Mau) FIG. 10; Col 45 lines 49-52).

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15. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb), and in view of US Patent No. 6,822,663 B2 by Wang et al. (Wang) and further in view of US Patent No. 5,026,624 by Katz et al. (Katz).

In reference to Claim 8:

Abb teaches:

(Currently amended) A method of distributing content, the method comprising: providing a login to a hosting service using a single sign-on account ((Abb) FIG. 25; Col 52 lines 45-49), the hosting service supporting browsing of content titles aggregated from one or more content provider web sites ((Abb) Col 15 lines 47-48); in response to a user purchase request for a selected content title ((Abb) Col 15 lines 22-23, Col 16 lines 6-7)[[:]] purchasing content associated with the selected content title from at least one of the content provider websites ((Abb) Col 15 lines 39-46) ; providing user device characteristics...; receiving the content in a media format compatible with the user device from the at least one of the content provider websites; receiving media characteristics including media format and fidelity, along with the content and digital rights license keys ((Abb) Col 3 lines 43-49, Col 10 lines 37-42);...; and optionally sending the content to a requested user device ((Abb) Col 3 lines 50-53).

Abb does not teach explicitly:

... of a user device, including a list of media formats compatible with the user device, to the at least one of the content provider websites... storing the media characteristics in a media asset table at the hosting service...

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Wang teaches:

...of a user device, including a list of media formats compatible with the user device, to the at least one of the content provider websites ((Wang) FIG. 9, FIG. 10; Col 10 lines 15-25)

Katz teaches:

...storing the media characteristics in a media asset table at the hosting service...((Katz) FIG. 2, FIG. 5: Abstract lines 3, 8-15, Col 2 lines 20-22, Col 6 lines 55-60).

Abb is explicitly teaches licenses synchronized for multiple user devices. As taught by Wang each separate user device not of the same type requires different media formats and teaches of a need for the media data to be formatted for specific device types. Additionally, Wang teaches the motivation to optimize the source content according to the capabilities of the selected device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the teachings of Abb which teach using multiple diverse devices the teachings of Wang to optimized media formats for separate user devices.

The combination teaches explicitly of web browsers "especially designed to search for digital content" and teaches an engine that contains that function ((Abb) FIG. 10 ref # 12; Col 15 lines 47-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the Digital content function as taught by the combination a library of digital files as taught by Kat and suggested as an option by Abb.

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In reference to Claim 9:

The combination Abb, Wang and Katz teach:

(Currently amended) The method of claim 8 (see rejection of claim 8 above), further comprising adapting the content with regard to media format, resolution, fidelity, or bit rate to accommodate a second device without reacquiring the content from a content provider website ((Abb) FIG. 23-25; Col 57 lines 41-42, Col 58 lines 2-7, 10-11, 17-19, 59-62, 65- 66).

In reference to Claim 10:

The combination Abb, Wang and Katz teach:

(Currently amended) The method of claim 9 (see rejection of claim 9 above), wherein the hosting service obtains a new license key ...receipt of the new license key...

The combination does not teach:

and notifies the content provider website of ...adapting the content.

Wang teaches:

and notifies the content provider website of receipt ((Wang) Col 10 lines 9-11, Col 14 lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is sent; wherein Col 14 Wang teaches template includes copyright and content areas in quick message...after adapting the content ((Wang) Col 3 lines 32-38).

The combination teaches explicitly of the new license and key being sent to the user. Wang teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Therefore, it would



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have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve a similar method or product in the same way.

16. Claims 17-26 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) as applied to claim 16 above, and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb)

In reference to Claim 17:

Wang teaches:

(Currently amended) The system of claim 16 wherein the content broker module is further to facilitate[[s]] a distribution (see rejection of claim 16 above), ...

Wang suggest:

...of an updated license key and media content to the at least one subscriber ((Wang) Col 14 lines 60-65).

Ab teaches:

...of an updated license key and media content to the at least one subscriber ((Abb) FIG. 1 ref # 20, #24, #50, FIG. 4 ref # 38, FIG. 20A, FIG. 20 C).

Although Wang does not explicitly teach a "license key", Wang does teach copyright and teaches accessing source data. Ab teaches license keys to allow access to source material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention simply substitute a copyright access with a license key (i.e. one known element for another) to obtain predictable results.

In reference to Claim 18:

The combination Wang and Abb teach:

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(Currently amended) The system of claim 17, wherein the content broker module is to issue a request[[s]] to the remote content provider to (see rejection of claim 17 above) ... and the media content ((Wang) Col 7 lines 20-25, Col 14 lines 60-65)

The combination does not explicitly teach:

...distribute the updated license key ...

Abb teaches:

... to distribute the updated license key and the content ((Abb) Col 4 lines 22-35; FIG 4 ref # 36).

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited accessibility. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have access to source data that has security access protocols.

In reference to Claim 19:

The combination Wang and Abb teach:

(Currently amended) The system of claim 18, wherein the content broker module is to receive[[s]] a request from the subscriber (see rejection of claim 18 above)...

The combination does not teach:

...to distribute the updated license key to the subscriber

Ab teaches:

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...to distribute the updated license key to the subscriber((Abb) FIG. 5B, FIG. 7 ref # 701)

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited accessibility. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have access to source data that has security access protocols.

In reference to Claim 20:

The combination Wang and Abb teach:

(Currently amended) The system of claim 19 (see rejection of claim 19 above),

...

Wang does not teach explicitly:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key.

Abb teaches:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key ((Abb) FIG. 1, FIG. 12, FIG. 21).

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited

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accessibility. Wang teaches that the user receives messages on content and copyright. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have information on the accessibility of source data that has security access protocols.

In reference to Claim 21:

The combination Wang and Abb teach:

(Currently amended) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes, and a first supported media format of the media device ((Wang) FIG. 10, Col 10 lines 20-25, ((Ab) FIG. 1, FIG. 3, FIG. 8, FIG. 4 ref # 32, FIG. 7 ref # 711, FIG. 12).

In reference to Claim 22:

The combination Wang and Abb teach:

(Currently amended) The system of claim [[21 ]] 16, wherein the device profile information includes a memory address to identify a free memory block suitable to store distributed content data ((Wang) FIG. 1, FIG. 2; Col 6 lines 47-56, Col 9 lines 66-67, Col 10 lines 2-10, (Abb) ((Abb) FIG. 1, FIG. 12, FIG. 18, FIG 24, FIG. 25).

In reference to Claim 23:

The combination Wang and Abb teach:

(Currently amended) The system of claim 16, wherein the memory is further to store content asset information within a media asset table, the content asset information

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including, an indicator specifying media format ((Wang) FIG. 10, Col 10 lines 13-25, 50-52).

In reference to Claim 24:

The combination Wang and Abb teach:

(Currently amended) The system of claim 23, wherein the content asset information stored in the media asset table...(see rejection of claim 23 above),

The combination does not teach:

... further includes purchase data

Abb teaches:

... further includes purchase data ((Abb) FIG. 1, FIG. 12, FIG. 3, FIG. 8).

Both Wang and Abb are directed toward accessing source data, Abb teaches that source data can be purchased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results.

In reference to Claim 25:

The combination Wang and Abb teach:

(Currently amended) The system of claim 16 (see rejection of claim 16 above), wherein the memory is further to store

The combination does not teach explicitly:

...content asset information within a media asset table that includes a plurality of content asset entries, each of the plurality of content asset entries including a content title and a license key.

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Abb teaches:

...content asset information within a media asset table that includes a plurality of content asset entries, each of the plurality of content asset entries including a content title and a license key ((Ab) FIG. 1).

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited accessibility. Wang teaches that the user receives messages on content and copyright. Abb teaches that license keys are used as a security measure on allowing access to source data. Wang teaches tables which contain information related to devices and formatting. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply known techniques to a known device ready for improvement to yield predictable results such as the teachings of Wang and Abb to have information on the accessibility of source data that pertains security access protocols.

In reference to Claim 26:

The combination Wang and Abb teach:

(Currently amended) The system of claim 16, (see rejection of claim 16 above),

...

The combination does not teach explicitly:

...wherein the content broker module is further to communicate to the remote content provider a content purchase request made on behalf of the subscriber

Abb teaches:

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...wherein the content broker module is further to communicate to the remote content provider a content purchase request made on behalf of the subscriber((Abb) Col 15 lines 22-23, 39-46, Col 16 lines 6-7)

Both Wang and Abb are directed toward accessing source data, Abb teaches that source data can be purchased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results.

In reference to Claim 50:

The combination Wang and Abb teach:

(New) The system of claim 21 (see rejection of claim above), ...

The combination does not teach:

...wherein the device profile information further includes a media device identification of the media device.

Abb teaches:

...wherein the device profile information further includes a media device identification of the media device ((Abb) Col 68 lines 41-49).

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the teachings the combination and Abb to further protect the content by coordinating the device and license with the source.

17. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb) as applied to claims 16 and 23 above, and further in view of US Patent No. 7,213,005 B2 by Maurad et al. (Mau)

In reference to Claim 51:

The combination Wang and Abb:

(New) The system of claim 23, (see rejection of claim 23 above) wherein the content asset information further includes...

The combination does not teach explicitly:

... a media asset identity, a media asset title, and a media asset category.

Mau teaches:

... a media asset identity, a media asset title, and a media asset category ((Mau)

FIG. 14, FIG. 23-24, Fig. 30-38).

Both the combination and Mau are explicitly directed toward acquiring source material from a source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve similar methods in the same way.

18. Claims 42-45 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,010,808 B1 by Leung et al. (Leu) and in view of US Patent No. 7,213,005 B2 by Mourad (Mau).



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In reference to Claim 42:

Leu teaches

(Currently amended) A method of managing content, the method comprising: authenticating a subscriber to a content brokering site of a computer network; providing a subscriber selection of content to a remote content provider site((Leu) Col 37 lines 39-43, 53-54, Col 38 lines 16-17); providing device characteristics of a subscriber media device, including a list of media formats supported by a subscriber media device ((Leu) Col 7 lines 55-67, Col 8 lines 3-15; wherein Leu teaches a dictionary containing format available), to the remote content provider site((Leu) Col 7 lines 55-67); receiving content site header data ((Leu) FIG. 2; Col 7 lines 38-53, 62-67, Col 8 lines 1-13, 20-21, 28-34) ... and a media type associated with the subscriber selected content from the remote content provider site ((Leu) FIG. 13, FIG. 14; Col 5 lines 15-21), wherein the media type comprises at least one of a media file type and a media format type ((Leu) Col 6 lines 57-67, Col 7 lines 32-35, 45-52, 65-67, Col 8 lines 1-15); and receiving the subscriber-selected content having a media type compatible with the subscriber media device from the remote content provider site ((Leu) FIG. 1, FIG. 3, FIG. 8, FIG. 5B; Col 12 lines 64-66, Col 13 lines 6-10, Col 14 lines 8-21).

Leu does not teach explicitly:

...including a content title associated with subscriber-selected content...

Mau teaches:

...including a content title associated with subscriber-selected content...((Mau)

FIG. 14, FIG. 23-24, FIG. 30-38).

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Both Leu and Mau are directed to dispensing license content remotely. Leu teaches explicitly of the content containing music. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Mau to include titles of the content rendered.

In reference to Claim 43:

The combination Leu and Mau teach:

(Original) The method of claim 42 (see rejection of claim 42 above), further comprising storing the media type in a computer memory ((Leu) FIG. 4, FIG. 5A, FIG. 13, FIG. 14, FIG. 12; Col 3 lines 55-57, Col 7 lines 38-53, Col 13 lines 30-32).

In reference to Claim 44:

The combination Leu and Mau teach:

(Currently amended) The method of claim 43 (see rejection of claim 43 above), further comprising storing the content in the computer memory((Leu) FIG. 4; Col 12 lines 64-67, Col 33 lines 1-4, Col 33 lines 33-43).

In reference to Claim 45:

The combination Leu and Mau teach:

(Currently amended) The method of claim 42 (see rejection of claim 42 above), further comprising distributing the content to the subscriber media device ((Leu) FIG. 13; Col 17 lines 15-17, Col 33 lines 1-4, 33-43, Col 34 lines 23-25).

In reference to Claim 47:

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(Currently amended) The method of claim 42 (see rejection of claim 42 above), wherein the subscriber device is a set top box, a DVD player, and or an MP3 player ((Leu) FIG. 12, FIG. 13; Col 33 lines 1-4, 33-43, Col 34 lines 23-25).

In reference to Claim 48:

(Currently amended) The method of claim 42 (see rejection of claim 43 above), wherein the content comprises a movie, [[a]] music, or a software program ((Leu) Col 1 lines 30-33, Col 8 lines 6-12, Col 13, lines 65-67, Col 33 lines 33-43) .

19. Claims 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,010,808 B1 by Leung et al. (Leu) and US Patent No. 7,213,005 B2 by Mourad (Mau) and further in view of US Patent No. 7,200,288 B2 by Gregg et al. (Gregg).

In reference to Claim 46:

The combination Leu and Mau teach:

(Currently amended) The method of claim 42 (see rejection of claim 42 above),  
...

The combination Leu and Mau do not teach:

...wherein authenticating comprises receiving single sign-on credentials from the subscriber.

Gregg teaches:

...wherein authenticating comprises receiving single sign-on credentials from the subscriber ((Gregg) Abstract lines 7-12, Col 1 lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

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Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination teaches that the license for the user rights to play the digital content is based on "who the user is" ((Leu) Col 17 lines 15-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to determine who the user is

In reference to Claim 49:

The combination Leu and Mau teach:

(Original) The method of claim 42 (see rejection of claim 42 above), further comprising ...and receiving content requests from each of the plurality of subscribers ((Leu) FIG. 1).

The combination does not teach explicitly:

... authenticating a plurality of subscribers...

Gregg teaches:

... authenticating a plurality of subscribers...((Gregg) FIG. 1, FIG. 9-11, FIG. 27; Col 4 lines 7-12, Col 5 line 67, Col 6 lines 1-5).

With respect to the limitation "receiving content requests from each of the plurality of subscribers". Although Leu does not explicitly state that the content provider receives request from more than one user. Leu is explicitly directed toward commercial transactions and the distribution of media and digital content. Commercial transactions and distributing product inherently contains a plurality of users. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Leu's teaching encompasses "receiving content request...from subscribers"

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1-6, 7-10, 16-28 42-49 have been considered but are moot in view of the new ground(s) of rejection in response to the applicant's amendments.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMG

/Mary Cheung/

Primary Examiner, Art Unit 3694